

REMARKS

In the Office Action¹, the Examiner rejected claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,003,011 to Sarin et al. ("Sarin") in view of the article entitled "ProjectDash Drives Consistency in Communicating Project Status Online using Innovative Graphical Project Dashboard" ("ProjectDash").

By this Amendment, Applicant has amended claims 1, 31, 42, and 57 to more appropriately define the invention. Applicant respectfully traverses the rejections and requests reconsideration for at least the following reasons.

As an initial matter, Applicant respectfully submits that the continued rejection of claims 1-21, 23-29, 31-52, and 57-65 under § 103 is improper, at least because the Examiner failed to respond to Applicant's remarks included in the Amendment after Final filed July 24, 2009. M.P.E.P. requires that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." M.P.E.P. § 707.07(f). In the outstanding Office Action, at pages 3-9, the Examiner merely repeated the rejection and assertions on pages 11 of the previous Final Office Action mailed April 30, 2009, without addressing the substance of Applicant's reasoning presented in the Amendment after Final on, for example, pages 19 and 21-23.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

I. Rejection of Claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. §103(a)

Applicant respectfully traverses the rejection of claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a) as unpatentable over Sarin in view of ProjectDash. A *prima facie* case of obviousness has not been established.

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. ... [R]ejections on obviousness cannot be sustained with mere conclusory statements.” M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. § 2143.01(III) (emphasis in original). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I) (emphases in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s)

between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1 calls for a combination including, for example, “displaying, on a display device, status information of procedures, wherein **at least one of the displayed procedures is marked to alert the user that the marked procedure requires attention**” (emphasis added). The Office conceded that Sarin does not teach these elements², but then relied upon ProjectDash as allegedly curing the deficiencies of Sarin. Office Action, p. 4. However, this is not correct.

Specifically, ProjectDash at best “display[s] the status of all projects” (ProjectDash, p. 2). In ProjectDash, no project is **marked** to alert the user and none of the status indicators indicates that a project requires attention. In view of this, ProjectDash still fails to teach or suggest, at least, “wherein **at least one of the procedures is marked to alert the user that the procedure requires attention**” as recited in claim 1 (emphasis added), and thus does not compensate for the deficiencies of Sarin.

However, to even more clearly distinguish the claimed invention over the cited references, independent claim 1 has been amended to further recite, in part, “receiving, by a processor, a user-entered command to link at least one of the procedures to at least one pre-existing procedure definition such that **subsequent modifications** made

² The Office Action asserts that “Sarin et al does not explicitly teach displaying a dashboard to the user to display or link to status information of procedures started or monitored by the user.” Office Action, p. 4. Applicant respectfully notes that by the Amendment after Final (entered by virtue of the Request for Continued Examination filed August 31, 2009), claim 1 has been amended to recite “displaying, on a display device, status information of procedures.”

to the linked procedure definition **after linking** are automatically reflected in the linked procedure” (emphases added). Sarin also fails to teach at least these elements.

The Office asserted that Sarin teaches the above-noted claim elements, alleging that “a change to the instance is reflected in the definition and thereby, the procedure that is carried out based on the definition reflects the modification as well.” Office Action, p. 3. The Office appears to construe Sarin’s carrying out a procedure based on the definition as constituting a “linking” of the procedure to the definition. However, even if such a construction were reasonable, which Applicant does not concede, Sarin at best may suggest that a modification made to the definition **before** a procedure is carried out may be reflected in the procedure. There is no teaching or suggestion in Sarin that, **after** a procedure is carried out, modifications to the definition can be reflected in the procedure.

Therefore, Sarin also fails to teach or suggest, at least, “**subsequent** modifications made to the linked procedure definition **after linking** are automatically reflected in the linked procedure” as recited in claim 1 (emphases added). ProjectDash also fails to teach or suggest these elements, and thus does not compensate for the deficiencies of Sarin.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima*

facie case of obviousness has not been established with respect to claim 1, and thus claim 1 is allowable.

Independent claims 31, 42, and 57, although different in scope from independent claim 1, recite elements similar to that noted above for independent claim 1. As such, for reasons similar to that discussed above with respect to independent claim 1, Sarin and ProjectDash fail to render independent claims 31, 42, and 57 obvious, and these claims are, therefore, allowable.

Dependent claims 2-21, 23-29, 32-52, and 58-65 are also allowable at least by virtue of their dependence from independent claim 1, 31, 42, and 57, respectively.

Moreover, with respect to claim 7, the Office asserted that Sarin teaches the claimed elements of “introducing rules and pre-configuring ad-hoc coordination patterns to handle exceptions and dependencies within actions.” Office Action, p. 5. This is not correct.

Sarin teaches copying a process during generalizing description of a workflow process, and “when [the] process is so copied, the interrelationships between the various task objects ... are retained.” Sarin, col. 7, l. 47 - col. 8, l. 2. However, in Sarin, there are no “rules” and “patterns” introduced to handle “exceptions” and “dependencies,” as recited in claim 7. ProjectDash also fails to teach these elements, and thus does not compensate for the deficiencies of Sarin.

With respect to claim 12, the Office asserted that Sarin teaches the claimed elements that “actions are grouped into phases.” Office Action, p. 6. This is not correct.

Sarin teaches a life cycle of process instance, which is a description of “the **behavior** of process instances” (Sarin, col. 6, ll. 29-30, emphasis added), and includes different stages, such as instantiation, assignment, enactment, and completion (Sarin, col. 6, ll. 32-45). There is no teaching in Sarin to **group** tasks in a process **into phases**, as required by claim 12. ProjectDash also fails to teach these elements, and thus does not compensate for the deficiencies of Sarin.

In view of the above additional reasons, claims 7 and 12 are allowable.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a).

II. Official Notice

The Office appeared to take Official Notice with respect to elements of claim 29, stating that “it is old and well known to employ template wizards that enable a user to more accurately complete a template.” Office Action, p. 8.

Applicant respectfully traverses the Office’s apparent reliance on personal knowledge by Official Notice. However, even if the Official Notice were properly taken, which Applicant does not concede, such Official Notice still fails to cure the deficiencies of Sarin and ProjectDash, set forth above.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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